

PINE TOWNSHIP PLANNING COMMISSION
WORK SESSION – SOLAR ORDINANCE
Wednesday, November 2, 2022 at 5:00 PM

A work session of the Pine Township Planning Commission held at the Pine Township Hall, 7900 W. 2nd Street, Stanton, Michigan 48888 for the purpose of discussing the solar ordinance.

CALL TO ORDER

The meeting was called to order by Chairman Scott Millard at 5:00 PM, followed by the Pledge of Allegiance.

ROLL CALL

Present were Scott Millard, Chair; Gary Christensen, Vice Chair; Jamie Gorby, Secretary; Tyler Nadeau, Township Board Liaison, Bob Behrenwald

Dan Main arrived at 5:02 PM

Absent – Chris Bell

APPROVAL OF AGENDA

Behrenwald moved, supported by Nadeau, to approve the agenda. MOTION PASSED.

APPROVAL OF MINUTES

Nadeau moved, supported by Behrenwald, to approve the Minutes after correction of Wednesday (in place of Monday) November 9, 2022 for the work session (bottom of page 2).

MOTION PASSED

OLD/UNFINISHED BUSINESS

DISCUSSION OF SOLAR ORDINANCE REVISIONS

Nadeau filled the Commission in on his presentation to the Township Board at their last meeting, during which he requested that the Board continue with Foster Swift for counsel on Planning Commission ordinance work. He related that the Board desires to stay informed, but seemed indifferent as to attorney recommendation. The Board requested that the Commission explore the solar ordinance and, if legal review is needed, to request that at the next Board meeting. Nadeau believes that legal review is imperative for the protection of Township citizens and recommends that the Commission develop a draft for Foster Swift review. He believes the Board is in agreement with that. Nadeau will not be present at the next Board meeting to make the attorney request, but can write a recommendation to the Board.

Millard related having received a phone call from a citizen regarding current residential solar regulations and that he explained those to her.

The Commission proceeded to discuss solar ordinance revision from Page 3, Item D onward. The five-foot roof height was discussed and remains unchanged, along with compliance with county and state building codes.

Section E

Level 1 – no special land use permit required

Committee decision – Level 1 not to exceed 5,000 square feet, with no changes to setback requirements at this point, and decommissioning according to this requirement:

Level 2 – requires special land use permit approval

Change 10,000 to 5,000

(minimum) 100 feet from each lot line, or as reviewed during application process.

References to chapter numbers – correct all references to match Pine Township documents, throughout the document. Solar installation must be for the purpose of providing power to the principal building on the property. Define principal building in definitions.

#7 & #8 – remain as-is

G – Solar Farms

Any references to Chapter 12, change to reflect the correct chapter

Nadeau would like an attorney to review this area

#1-#3, leave as-is except reference to correct chapters.

Questions for attorney:

1. whether agricultural PA-116 property could be prohibited from industrial solar use.
2. whether property can be required to rezone as industrial in order to be used for industrial solar purposes?

Before finalization of the ordinance, Nadeau would like to research potential for requirement of pollinator/habitat reintroduction.

Decision was made to leave the 10-foot from side to rear requirement to be reviewed in the special land use application process.

Add the wording “the Planning Commission may require additional setback” to this section and to residential levels 1 and 2, as well.

All the way through Letter P is OK.

Make complaint resolution Letter Q. Check with legal counsel on complaint resolution verbiage.

4C verbiage also to be placed in level 1 & 2.

Buried depth – place under 4E, 7-feet to match wind ordinance depth?

F- “knox box” should be “lock box”?

Letter I – time limit for plantings around perimeter -
within 90 days of installation or as approved by the Planning Commission
one deciduous or conifer not more than every 12 feet, at least 4 feet tall when
planted

Decommissioning

D – soil erosion, contamination levels as determined by an independent third-party (hired by the township, paid for by the applicant) as part of the cost of decommission, kept current and reviewed every two years.

General requirements/time frame (Page 2, C 8, move to “Decommissioning”)

Change “any SES” to “any solar farm”

J – kept current and reviewed every 2 years, a specific dollar amount required to be in an escrow account (covered under page 7, #9)

The Commission solar work session concluded with work having been completed through #5. The next work session will begin with work on #6, with the goal of finishing the rough draft, requesting of the Township Board that it be sent to an attorney for view, and recommending Foster Swift as legal counsel.

CITIZEN COMMUNICATION

Millard shared that he had received a letter from Lou Kitchenmaster, who discouraged the use of a voucher system as a resolution for blight complaints in the Township.

NEW BUSINESS

PUBLIC COMMENT

Barbara Kaaikala, Pine Township, expressed agreement with the requirement of rezoning property to an industrial zone when used for industrial solar use, if legal to make this requirement. She also recommended replacing all references of “solar farm” in the ordinance to “solar operation” or similar wording.

Brandy Clark-Hubbard, Cato Township, stated that Cato Township will be working on their solar ordinance next month and questioned whether the Pine Township ordinance contains a lot coverage restriction (up to a certain percentage). Millard noted that it does not, but thought the suggestion was a good one. Clark-Hubbard had a sample ordinance in which industrial solar operations were not permitted on PA-116 acreage, and a sample ordinance from Foster Swift attorney Leslie Abdoo in which industrial solar operations are referred to as “commercial solar energy systems” (not “farms”)

Dawn Sweet, Pine Township – expressed that the Apex (wind turbine) company will likely convert unused wind leases to solar use, and stated that Apex has done that in the past, which she also noted would mean that a conflict of interest would remain if Dickinson Wright were hired as the law firm to look over the wind ordinance. She also expressed concern over the Commission basing the Pine Township solar ordinance on the Douglass Township solar

ordinance, as she believes that the creators of the Douglass ordinance had a conflict of interest during the time that they were creating that ordinance. She agrees with requiring applicants to rezone to industrial for industrial solar use, and re-expressed her desire that solar companies should utilize commercial properties that could be used both for their a commercial purpose as well as for solar use (such as a parking lot in which cars could park beneath solar panels.)

Kathy Bresnahan, Pine Township resident and Montcalm County Commissioner, likes the lot coverage restriction presented by Clark-Hubbard, and expressed appreciation for the Planning Commission thinking carefully through the ordinance process and considering what will be best for Township residents.

ADJOURNMENT

Nadeau moved, supported by Christensen, to adjourn the meeting. MOTION PASSED.

The meeting was adjourned at 7:04 PM

Minutes submitted by

Jamie R. Gorby

Jamie Gorby, Planning Commission Secretary

Minutes typed by Barbara Kaaikala